

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

JOSEPH WALTER SUDAK and  
JOSEPHINE MARY SUDAK,

Debtors.

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Case No. 05-72256

Chapter 7

Judge Thomas J. Tucker

**ORDER DENYING DEBTORS' MOTION TO ALLOW DEBTORS  
TO RESCIND SPECIFIC REAFFIRMATION AGREEMENTS**

This case is before the Court on Debtors' "Motion to Allow Debtors to Rescind Specific Reaffirmation Agreements," filed on June 13, 2006 (Docket # 32), seeking to rescind any reaffirmation agreements they entered into with "any mortgage companies associated with their residence, i.e. Homecomings Financial and HSBC Mortgage Services." Debtors filed a Certificate of Non-Response on July 19, 2006 indicating that no creditors have filed a response to their motion. A Reaffirmation Agreement between Debtors and HSBC Mortgage Services was filed on January 12, 2006 (Docket # 15). No reaffirmation agreement between Debtors and Homecomings Financial was filed with the Court. Before Debtors filed their motion, on January 23, 2006, the Court entered an Order discharging Debtors.

On July 24, 2006, the Court entered an "Order Requiring Debtors to File A Supplement To Motion To Allow Debtors To Rescind Specific Reaffirmation Agreements" (Docket # 36), requiring Debtors to file a supplement to their motion "no later than July 31, 2006, which explains what authority there is to allow Debtors to rescind a reaffirmation agreement after the statutory rescission period has expired." To date, Debtors have not filed the required supplement.

Under 11 U.S.C. § 524,<sup>1</sup> a debtor has 60 days after a reaffirmation agreement is filed with the Court or any time before discharge, whichever is later, to rescind a reaffirmation agreement. *See* 11 U.S.C. § 524(c)(2)(A) and (c)(4). Both of these time periods have long expired in this case with regard to any reaffirmation agreements filed with the Court.

Accordingly,

IT IS ORDERED that Debtors' "Motion to Allow Debtors to Rescind Specific Reaffirmation Agreements," filed on June 13, 2006 (Docket # 32), is DENIED.

Date: August 7, 2006

/s/ Thomas J. Tucker  
Thomas J. Tucker  
United States Bankruptcy Judge

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<sup>1</sup> Citations to the Bankruptcy Code in this Order are to the Code before it was amended by the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005."